IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

PAUL E. PROCTOR, JR.,	\
Plaintiff, v.	Civil Action No. 06-40 Erie
JO ANNE B. BARNHART, Commissioner of Social Security,	
Defendant.	}

JUDGMENT ORDER

Plaintiff's complaint was received by the Clerk of Court on February 21, 2006 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The chief magistrate judge's report and recommendation, filed on June 14, 2007 [17], recommended that the Plaintiff's Motion for Summary Judgment [13] be denied, that the Motion for Summary Judgment filed by Defendant [15] be granted, and that the decision of the Defendant, Jo Anne B. Barnhart, Commissioner of Social Security, denying Plaintiff's application for Supplemental Social Security Income be affirmed. The parties were allowed ten (10) days from the date of service to file objections. The parties, through their respective counsel, were served electronically on June 14, 2007. No objections were filed. After <u>de novo</u> review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 5th Day of July 2007;

IT IS HEREBY ORDERED that the Plaintiff's Motion for Summary Judgment [13] is DENIED, the Motion for Summary Judgment filed by Defendant [15] is GRANTED, and the decision of the Defendant, Jo Anne B. Barnhart, Commissioner of Social Security, denying Plaintiff's application for Supplemental Social Security Income is AFFIRMED.

The report and recommendation of Chief Magistrate Judge Baxter, dated June 14, 2007 [17], is adopted as the opinion of this Court.

In accordance with the foregoing, JUDGMENT is hereby entered in favor Defendant, Jo Anne B. Barnhart, Commissioner of Social Security, and against Plaintiff, Paul E. Proctor, Jr.

s/ <u>SEAN J. McLAUGHLIN</u>
Sean J. McLaughlin
United States District Judge

cc: all parties of record Chief U.S. Magistrate Judge Baxter